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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,570

12/21/2004

Ralf Kohler

PD020056

8416

7590  
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04/12/2007

EXAMINER

NOONAN, WILLOW W

ART UNIT

PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/518,570	KOHLEK, RALF	
	Examiner	Art Unit	
	Willow Noonan	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/21/2004</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Title***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 4 and 7, the phrase "and/or" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 through 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Akatsu (US 6505255) in view of Humpleman (US 5940387) and Phillips (US 20040163126).

Regarding claim 1, Akatsu teaches a module in a home network (Fig. 5, 504) with individual devices that are connected to one another and communicate among one

Art Unit: 2109

another (Fig. 5, 508, 512, 524, etc.) via one or more protocols defined for the home network. See Akatsu, *Abstract*. Akatsu also teaches a connecting device which allows communication with an external network (Fig. 5, 504) and which makes this data available to the devices of the home network. See Akatsu, col. 3, lines 40-50.

However, Akatsu does not explicitly teach that said module is able to receive information about external services and has a search unit for making this data available to devices on the home network.

Humplemann does teach a network interface unit that performs the interfacing between external and internal networks, making external services available to all terminals on the internal network. See Humpleman, *Abstract*, lines 5-9.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Humpleman's disclosed functionality in Akatsu's module because Humpleman teaches that there is a need and desire for a home network that provides interconnectivity to products in a home and to external networks and which makes external services available to devices on the home network. See Humpleman, col. 1, lines 65-67, col. 2, lines 1-4.

Regarding claims 2, 3, and 6, Akatsu also teaches that the module can convert data of the external network into a format which corresponds to the format used on the internal network and vice versa. See Akatsu, *Abstract*.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to make the module updatable. It has always been a desirable goal in the art to make

devices updatable so that new functionality can be added after deployment, and it is therefore inherent that the functionality of the module is updatable.

Regarding claim 5, Akatsu discloses that the module communicates with the devices of the home network using a protocol of the home network. See Akatsu, col. 3, lines 35-50.

Regarding claim 7, Akatsu further teaches that a node on the network may use a memory to store data being transferred. See Akatsu, col. 5, lines 6-13.

Regarding claim 8, Akatsu teaches that the external network can be the internet. See Akatsu, col. 10, lines 19-27.

Regarding claim 9, Humpleman further teaches that the data can be text, audio, or video data. See Humpleman, col. 3, lines 24-32.

Regarding claim 10, Akatsu further teaches that the module communicates with the devices of the home network via a data bus (Fig. 5, 568).

Regarding claim 11, Akatsu does not teach that the module can be integrated into the connecting device. However, Phillips teaches a similar module for delivering data to devices in a home network and that said module can be integrated into the connecting device. See Phillips, p. 5, paragraph 40; Phillips, Fig. 1A.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Philip's integration technique in Akatsu's module because Phillips teaches that the disclosed method and apparatus can be used to deliver data streams on an external network to customer devices on an internal home network. See Phillips, *Abstract*.

Art Unit: 2109

Regarding claim 12, Akatsu teaches that the module is able to receive and process data from the external network and send data from the home network into the external network, See Akatsu, *Abstract*; Akatsu, Fig. 23.

Please see the included *Notice of References Cited* for additional prior art considered pertinent to applicant's disclosure but not explicitly relied upon in this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2109

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "William G. Roman". The signature is written in a cursive, flowing style with some capitalization.